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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,751	02/01/2000	Paul Ignatius	044463.0020	5252

7590

05/05/2006

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/495,751	Applicant(s) IGNATIUS ET AL.	
	Examiner LaShonda T. Jacobs	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is a Final Office in response to Applicants' Amendment filed on February 13, 2006. Claims 22 and 26 have been cancelled. Newly added claims 28-33 are presented for examination.

Claims 21, 23-25 and 27-33 are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **21**, **23-25** and **27-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapp et al (hereinafter, "Chapp", 6,654,825) in view of Kimura (U.S. Pat. No. 5,993,104).

As per claim **21**, Chapp discloses a method for copying data from a source to a destination using a data pipe, the method comprising:

- identifying at least a first characteristic of a first portion of the data (col. 15, lines 63-67 and col. 16, lines 1-6);
- identifying at least a second characteristic of a second portion of the data (col. 15, lines 63-67 and col. 16, lines 1-6);
- copying a first portion of the data through the data pipe in a first chunk in a first format based on the first characteristic (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46); and

- copying a second portion of the data through the data pipe in a second chunk in a second format based on the second characteristic, the second format being distinct from the first format (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46).

However, Chapp does not explicitly disclose:

- generating a first header describing the contents of a first chunk, the first header including information relating to at least a first storage operation to be performed on the first chunk; and
- generating a second header describing the contents of a second chunk, the second header including information relating to at least a second storage operation to be performed on the second chunk.

Kimura discloses a method and system for compression and decompression of data including:

- generating a first header describing the contents of a first chunk, the first header including information relating to at least a first storage operation to be performed on the first chunk (col. 5, lines 15-53); and
- generating a second header describing the contents of a second chunk, the second header including information relating to at least a second storage operation to be performed on the second chunk (col. 5, lines 15-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at time the invention was made to have incorporated Kimura's teaching of a system and method for compression and decompression with the teachings of Chapp, for the purpose of sending data in chunks or blocks of a fixed maximum to eliminate waste of memory space by using variable-

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sized offset and length fields.

As per claim **23**, Chapp further discloses:

- sending the first chunk with the first header to the destination (col. 14, lines 24-55); and
- sending the second chunk with the second header to the destination (col. 14, lines 24-55).

As per claim **24**, Chapp discloses wherein:

- the first header indicates where to store the first chunk (col. 13, lines 29-38 and col. 15, lines 1-9); and
- the second header indicates where to store the second chunk (col. 13, lines 29-38 and col. 15, lines 1-9).

As per claim **25**, Chapp further discloses:

- storing the first chunk in a first storage medium in the first format (col. 13, lines 29-38 and col. 15, lines 1-9); and
- storing the second chunk in a second storage medium in the second format, the second storage medium being distinct from the first storage medium (col. 13, lines 29-38 and col. 15, lines 1-9).

As per claim **27**, Chapp further discloses:

- performing the first storage operation on the first chunk (col. 14, lines 24-55); and
- performing the second storage operation on the second chunk (col. 14, lines 24-55).

As per claim **28**, Chapp discloses:

- wherein the first storage operation and the second storage comprise a back up operation (col. 14, lines 24-55).

As per claim **29**, Chapp discloses:

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- wherein the first storage operation and the second storage operation comprise an archive operation (col. 14, lines 24-55).

As per claim **30**, Chapp further discloses:

- creating a first data pipe for sending the first chunk to the destination (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46); and
- creating a second pipe for sending the second chunk to the destination (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46).

As per claim **31**, Chapp discloses:

- wherein the first data pipe is created based at least on the first characteristic; and
- the second data pipe is created base at least on the second characteristic (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46).

As per claim **32**, Chapp discloses:

- wherein the first data pipe and second data pipe are created based at least on the respective destination (col. 9, lines 65-67, col. 10, lines 1-4 and col. 14, lines 24-46).

As per claim **33**, Chapp discloses:

- wherein the first characteristic comprises a data type (col. 8, lines 45-56).

Response to Arguments

3. Applicant's arguments with respect to claims **21**, **23-25** and **27-33** are have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

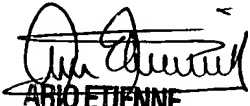
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
April 27, 2006


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SUPERVISORY PATENT EXAMINER
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